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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,946	07/24/2000	Venkatachari Dilip	CE1-001US	5253
29150	7590	12/10/2004	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE, STE 500 SPOKANE, WA 99201			SUBRAMANIAN, NARAYANSWAMY	
		ART UNIT		PAPER NUMBER
		3624		

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/621,946	DILIP ET AL.
	Examiner	Art Unit
	Narayanswamy Subramanian	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10,52,53,56-67 and 71-81 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 1-10,52,53,56-67 and 71-81 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other:

DETAILED ACTION

1. This communication is in response to the request for continued examination filed on October 13, 2004. Cancellation of claims 54, 55 and 68-70, and amendments to claims 1-5, 7, 8, 53, 56-67 and addition of new claims 72-81 have been entered. Claims 1-10, 52, 53, 56-67 and 71-81 are pending in the application and these claims are subject to restriction/election as discussed below.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10 and 52-58, drawn to a method comprising: a processor identifying a rule associated with a first financial account, wherein the first financial account is associated with a first financial institution; a processor identifying a rule associated with a second financial account, wherein the second financial account is associated with a second financial institution, and wherein the first financial account and the second financial account have a common account holder; the processor applying the rules associated with the first financial account and the second financial account to determine whether an adjustment of assets among the first financial account and the second financial account is beneficial; and generating a recommendation describing the adjustment of assets if the adjustment is beneficial, classified in class 705, subclass 36.

II. Claims 59-67, 71 and 78-81, drawn to a method comprising: a financial management system identifying a first account balance associated with a first account, wherein the first account is associated with a first financial institution; the financial management system determining whether the first account balance exceeds a particular value; and if the first account balance exceeds the particular value, the financial management system recommending a transfer

of funds from the first account to a second account associated with a second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value, classified in class 705, subclass 36.

III. Claims 72-77, drawn to a financial management system comprising: a memory device to store account information; an analysis module coupled to the memory device, the analysis module to retrieve and analyze account information associated with a first account at a first financial institution and a second account at a second financial institution, the analysis module further to apply at least one rule to determine whether funds should be transferred between the first account and the second account, wherein the first account and the second account have a common account holder; and a transaction execution module coupled to the analysis module, the transaction execution module to transfer funds between the first account and the second account, classified in class 705, subclass 36.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method comprising: a processor identifying a rule associated with a first financial account, wherein the first financial account is associated with a first financial institution; a processor identifying a rule associated with a second financial account, wherein the second financial account is associated with a second financial institution, and wherein the first financial account and the second financial account have a common account holder; the processor applying the rules associated with the first

financial account and the second financial account to determine whether an adjustment of assets among the first financial account and the second financial account is beneficial; and generating a recommendation describing the adjustment of assets if the adjustment is beneficial, whereas invention II relates to a method comprising: a financial management system identifying a first account balance associated with a first account, wherein the first account is associated with a first financial institution; the financial management system determining whether the first account balance exceeds a particular value; and if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to a second account associated with a second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value. See MPEP § 806.05(d). Clearly the steps of method I are different from the steps of method II, making the two methods different and distinct in scope and utility. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

Inventions I and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method comprising: a processor identifying a rule associated with a first financial account, wherein the first financial account is associated with a first financial institution; a processor identifying a rule associated with a second financial account, wherein the second financial account is associated with a second

financial institution, and wherein the first financial account and the second financial account have a common account holder; the processor applying the rules associated with the first financial account and the second financial account to determine whether an adjustment of assets among the first financial account and the second financial account is beneficial; and generating a recommendation describing the adjustment of assets if the adjustment is beneficial, whereas invention III relates to a financial management system comprising: a memory device to store account information; an analysis module coupled to the memory device, the analysis module to retrieve and analyze account information associated with a first account at a first financial institution and a second account at a second financial institution, the analysis module further to apply at least one rule to determine whether funds should be transferred between the first account and the second account, wherein the first account and the second account have a common account holder; and a transaction execution module coupled to the analysis module, the transaction execution module to transfer funds between the first account and the second account. See MPEP § 806.05(d). The method of Invention I can be implemented using a system with a configuration different from Invention III, and hence the method has a utility different from the system of Invention III. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

Inventions III and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III relates to a financial management system comprising: a memory device to store account information; an analysis module coupled to the

memory device, the analysis module to retrieve and analyze account information associated with a first account at a first financial institution and a second account at a second financial institution, the analysis module further to apply at least one rule to determine whether funds should be transferred between the first account and the second account, wherein the first account and the second account have a common account holder; and a transaction execution module coupled to the analysis module, the transaction execution module to transfer funds between the first account and the second account, whereas invention II relates to a method comprising: a financial management system identifying a first account balance associated with a first account, wherein the first account is associated with a first financial institution; the financial management system determining whether the first account balance exceeds a particular value; and if the first account balance exceeds the particular value, the financial management system recommending a transfer of funds from the first account to a second account associated with a second financial institution, wherein the first account and the second account have a common account holder, and wherein the recommendation to transfer funds identifies an amount to be transferred equal to the value by which the first account balance exceeds the particular value. See MPEP § 806.05(d). The method of Invention II can be implemented using a system with a configuration different from Invention III, and hence the method has a utility different from the system of Invention III. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group II, restriction for examination purposes as indicated is proper even though they are classified in the same class and sub class.

4. A telephone call was made to Mr. Steven R. Sponseller on December 1, 2004, to request an oral election to the above restriction requirement, but did not result in an election being made.

5. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft to The Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
December 3, 2004


Jagdish N. Patel
Primary Examiner